

REMARKS

This response is intended as a full and complete response to the Office Action dated November 21, 2006. In view of the following amendment and discussion, the Applicants believe all claims are in allowable form.

CLAIM REJECTIONS

A. 35 U.S.C. §102 (b) or (e) Claim 25

Claim 25 stands rejected as anticipated Applicants' admitted prior art (*AAPR*). In response, the Applicants have amended claim 25 to more clearly recite certain aspects of the invention.

Independent claim 25 recites elements not taught, shown or suggested by *AAPR*. The conventional method of etching a photomask substrate may include measuring critical dimensions of elements of photomask substrate that have already been etched (*e.g.*, a previous batch of substrates). In contrast, the invention of claims 25 recites that pre-etched dimensions are measured on a unique photomask substrate which is subsequently etched (*i.e.*, the same unique photomask substrate is measured, then etched). Thus, the *AAPR* does not teach or suggest measuring pre-etch critical dimensions of features of a photomask substrate by an integrated measuring tool, etching the features according to an etch recipe for specified critical dimensions of the features modified based on the measured pre-etch critical dimensions of the features, measuring the features to determine conformity with the specified critical dimensions by the integrated measuring tool, determining from the measurement the modifications of the etch recipe required to conform to the specified critical dimensions, and etching another photomask substrate according to the modified etch recipe, as recited by claim 25.

The Applicants submit that "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)(citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983). Here, as conventional method as stated in the specification fails to teach or suggest each and every element of the claimed invention and thus, a *prima facie* case of anticipation is not established.

Thus, the Applicants submit that independent claim 25 is patentable over AAPR. Accordingly, the Applicants respectfully request the rejection be withdrawn.

ALLOWED CLAIMS

The Applicants thank the Examiner for indicating the allowability of claims 1-18. However, in light of the reasons and discussion above, the Applicants believe all claims are allowable over the prior art of record. Thus, the Applicants respectfully request all independent claims and claims depending therefrom allowed.

CONCLUSION

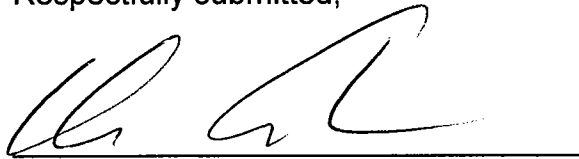
Thus, for at least the reasons discussed above, the Applicants submit that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issuance are earnestly solicited.

If, however, the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Mr. Keith Taboada at (732) 530-9404 so that

appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Feb 5, 2007

A handwritten signature in black ink, appearing to read 'Keith Taboada', written over a horizontal line.

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